REMARKS

I. **Introduction**

Claims 1-13 are pending in the application, of which claims 1, 5 and 9 are independent.

The independent claims have been amended to better present the invention to the Office.

Applicant respectfully requests reconsideration of the application in light of the present amendments and remarks.

II. **§ 102 Rejections: Claims 1-8**

The Office has rejected previously presented claims 1-8 under 35 U.S.C. § 102(a) as being anticipated by Menninger (U.S. Pat. Appl'n Pub. No. 2003/0048301 A1). Applicant respectfully traverses this rejection, and submits that each pending claim is patentably distinguishable over Menninger.

In order for a claim to be anticipated under 35 U.S.C. § 102, the reference must disclose, either expressly or inherently, each and every element as set forth in the claim. M.P.E.P. § 2131. Such anticipation does not occur in the instant application, however, because Menninger fails to disclose each and every element as set forth in the pending claims for at least the following reasons:

A. **Menninger Neither Teaches nor Suggests a GUI for Manipulating Form Elements Under Development**

Independent claim 5 recites, in part:

> receiving an identification of a user of the form building
> application, the form building application providing a
> *graphical user interface for manipulating a set of form
> elements under development*

(emphasis added). Independent claim 1 recites similar claim language.

Applicant respectfully submits that <u>Menninger</u> does not anticipate independent claims 1 and 5 because <u>Menninger</u> fails to teach or suggest a graphical user interface ("GUI") for manipulating a set of form elements under development as claimed.

For example, <u>Menninger</u> is cited at para. 1858 for providing a GUI that allows a user to select checkboxes (FIG. 167), press a button (FIG. 168) and select items from a drop-down list (FIG. 169).

However, the GUI of <u>Menninger</u> is provided merely to allow users to interact with *already developed* GUI elements (e.g., checkboxes, button, drop-down list), not form elements that are themselves *under development* as claimed.

Accordingly, for at least this reason, <u>Menninger</u> cannot anticipate independent claims 1 and 5. Furthermore, as each of dependent claims 2-4 and 6-8 depend from and further limit independent claims 1 and 5, respectively, Applicant respectfully submits that for at least the same reason as above claims 2-4 and 6-8 also cannot be anticipated by <u>Menninger</u> under 35 U.S.C. § 102.

B. <u>Menninger Neither Teaches nor Suggests Authorization Rules For Form Element Development</u>

Independent claim 5 recites, in part:

> determining authorization *rules associated with the user's authorization to develop the set of form elements*; and
> *enabling access to the user for developing a subset of the form elements* according to the authorization rules

(emphasis added). Independent claim 1 recites similar claim language.

Applicant respectfully submits that <u>Menninger</u> does not anticipate independent claims 1 and 5 because <u>Menninger</u> fails to teach or suggest rules associated with a user's authorization to develop a set of form elements, or enabling access to a user for developing a subset of the form elements according to authorization rules as claimed.

For example, <u>Menninger</u> is cited at para. 0544 for providing a web site start page that, based on a user's login with password, "assigns the user to the appropriate user group and links this user to the appropriate retail outlets, distribution centers and ADI's".

Further, <u>Menninger</u> is cited at para. 1078 for providing a "sub administrator with the ability to control what their users can view and what tasks they can perform".

However, while the web site authentication and administrator processes of <u>Menninger</u> may utilize standard *already developed* form elements, there is no disclosure in <u>Menninger</u> of *developing* a set of *form elements themselves*, much less authorization rules and access conditions associated with a user's authorization to develop form elements as claimed.

Accordingly, for at least this reason, <u>Menninger</u> cannot anticipate independent claims 1 and 5. Furthermore, as each of dependent claims 2-4 and 6-8 depend from and further limit independent claims 1 and 5, respectively, Applicant respectfully submits that for at least the same reason as above claims 2-4 and 6-8 also cannot be anticipated by <u>Menninger</u> under 35 U.S.C. § 102.

III.   § 103 Rejections: Claims 9-13

The Office has rejected previously presented claims 9-13 under 35 U.S.C. 103(a) as being unpatentable over <u>Menninger</u> in view of <u>Chen</u> (U.S. Pat. Appl'n Pub. No. 2003/0020746 A1). Applicant respectfully traverses this rejection and submits that each pending claim is patentable over the cited art.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the Office bears the initial burden of establishing a prima facie case of obviousness. M.P.E.P. § 2142. To establish a prima facie case of obviousness, the Office must show that three basic criteria are met. M.P.E.P. § 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the references' teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference or references, when so modified or combined, must teach or suggest all of the claim limitations. Id.

Applicant respectfully submits that the Office has not established a prima facie case of obviousness for at least the following reasons:

A.   Menninger Neither Teaches nor Suggests Changing a Form Element Under Development

Independent claim 9 recites, in part:

> responsive to a command by a user to *change an element of the form under development*

(emphasis added).

Applicant respectfully submits that Menninger, the § 103 art applied to this claim element, does not render obvious independent claim 9 because Menninger fails to teach or suggest changing an element of a form under development as claimed.

For example, Menninger is cited again at para. 1858 for providing a GUI that allows a user to select checkboxes (FIG. 167), press a button (FIG. 168) and select items from a drop-down list (FIG. 169).

However, as set forth above, the GUI of Menninger is provided merely to allow users to interact with *already developed* GUI elements (e.g., checkboxes, button, drop-down list), not form elements that are themselves *under development* as claimed.

Accordingly, for at least this reason, independent claim 9, along with its respective dependent claims 10-13, are not rendered obvious under 35 U.S.C. § 103(a).

B.   Chen Neither Teaches nor Suggests Access Rights for Developing Form Elements

Independent claim 9 recites, in part:

> retrieving a permission list from a lookup table, the permission list identifying *access rights for developing a plurality of form elements* contained in the form

(emphasis added).

Applicant respectfully submits that <u>Chen</u>, the § 103 art applied to this claim element, does not render obvious independent claim 9 because <u>Chen</u> fails to teach or suggest a permission list identifying access rights for developing a plurality of form elements as claimed.

For example, <u>Chen</u> is cited at para. 0010 for dynamically constructing web pages utilizing only web page elements that a requesting user is authorized to access.

However, the web page of <u>Chen</u> is constructed to allow a user to access particular *already developed* web page elements, not to allow access for *developing* form elements as claimed.

Accordingly, for at least this reason, independent claim 9, along with its respective dependent claims 10-13, are not rendered obvious under 35 U.S.C. § 103(a).

IV.   CONCLUSION

It is respectfully submitted that, in view of the foregoing amendments and remarks, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

Although not believed necessary, the Office is hereby authorized to charge any additional fees required in connection with this response or credit any overpayments to Kenyon & Kenyon LLP's Deposit Account No. 11-0600.

The Office is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

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